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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREW JOHN GIBSON,

Defendant.

Case No. 2:14-cr-00287-KJD-CWH

ORDER

Before the Court for consideration is the Report and Recommendation (#136) of Magistrate Judge C.W. Hoffman entered January 11, 2017 recommending that Defendant's Motion to Suppress Evidence (#94) be denied. No Objection has been filed as of the date of this Order.

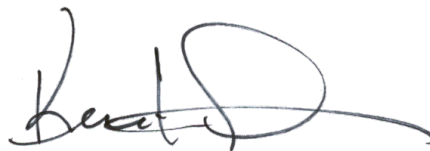
The Court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. § 636(b)(1) and LR IB 3-2 and agrees with the Magistrate's findings that: 1) the search warrant at issue was properly executed; 2) the search warrant was timely executed; 3) the time between seizure and search of Defendant's hard drives did not violate the terms of the search warrant or prejudice Defendant; 4) Defendant provides no authority to support the proposition that the failure to return electronic devices which allegedly contain pornographic evidence should result in suppression of that evidence simply because the electronic devices were not returned; 5) because the

1 files discovered on Gibson's computers were not acquired during transmission, the Wiretap Act is
2 not implicated, and no unauthorized wire tap occurred; 6) the warrant adequately describes the place
3 to be searched and the things to be seized, and it was executed according to its terms; 7) a Frank's
4 hearing is not required as the affidavit establishes probable cause for the issuance of the warrant.

5 Accordingly, **IT IS THEREFORE ORDERED** that the Magistrate Judge's Report and
6 Recommendation (#136) entered January 11, 2017, are **ADOPTED** and **AFFIRMED**;

7 **IT IS FURTHER ORDERED** that Defendant's Motion to Suppress Evidence (#94) is
8 **DENIED**.

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10 DATED this _14th_ day of April 2017.

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14 Kent J. Dawson
15 United States District Judge
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